

**DISCLAIMER**

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**PETITION OF**

**MICHAEL H. DITTON**

**CASE NO. PUC990176**

**To investigate Bell Atlantic – Virginia, Inc.**

**HEARING EXAMINER'S RULING**

**June 28, 2000**

At the request of the Petitioner, this matter was continued generally pursuant to Hearing Examiner's Ruling dated June 20, 2000. On June 26, 2000, Bell Atlantic- Virginia, Inc. ("Bell-Atlantic"), by counsel, moved to dismiss or, in the alternative, to suspend discovery. In support of the motion to dismiss, Bell-Atlantic states that Michael H. Ditton ("Petitioner") filed a Request for Extension of Time and Postponement on June 15, 2000, one day before his prefiled testimony and exhibits were due to be filed with the Commission. Bell Atlantic states that Rule 5:18 of the Commission's Rules of Practice and Procedure requires that any request for an extension of time be filed "with the Commission at least three (3) days prior to the date on which the pleading was required to have been filed." Bell Atlantic argues that this case should be dismissed for failure by the Petitioner to meet the Commission's Rules of Practice and Procedure.

In the alternative, Bell Atlantic requests suspension of all discovery in this matter pending the establishment of a new procedural schedule. Bell Atlantic states that Petitioner on June 19, 2000, propounded extensive interrogatories and requests for production of documents on Bell Atlantic. The discovery request was received by Bell Atlantic on June 22, 2000. Bell Atlantic argues that much of Petitioner's discovery requests are objectionable and that it should not be required to answer this discovery during the continuance granted at the Petitioner's request.

Upon consideration, I find the Motion to Dismiss, or in the Alternative, to Suspend Discovery should be granted in part. Accordingly,

**IT IS DIRECTED:**

- (1) That the Motion to Dismiss is denied; and
- (2) That the Motion to Suspend Discovery is granted. Discovery is hereby suspended until a new procedural schedule is established.

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Alexander F. Skirpan, Jr.  
Hearing Examiner